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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,530	09/26/2003	Shiro Iwasaki	2003-1325A	6482

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WASHINGTON, DC 20006-1021

EXAMINER
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JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
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2143

MAIL DATE	DELIVERY MODE
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07/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/670,530	IWASAKI ET AL.	
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/26/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This office action is responsive to communication filed on 09/26/2003. Claimed priority is granted from foreign application No: 2002-283681 with a priority date of 09/27/2002.

#### ***Information Disclosure Statement***

1. The references listed on the Information Disclosure Statement submitted on 09/26/2003 have been considered by the examiner (see attached PTO-1449A).

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Majima et al (Majima), Patent No. 6,979,769 B1.

Regarding **claim 1-21**, Majima discloses:

A content-transmitting apparatus operable to transmit a content to a content-receiving apparatus via a network (*see fig. 1, item 1a; fig. 11, fig. 19, and fig. 39*), the content-transmitting apparatus comprising:

a transmitting side control unit operable to transmit reproduction control information to the content-receiving apparatus (*column 11, lines 56-63; the transmitting*

*side server is operable for content-controlled transmission via the Internet network, an inherently contains a control unit ),*

wherein the reproduction control information includes reproduction control information regarding a content that has been previously transmitted to the content-receiving apparatus before transmission time of the reproduction control information (*column 3, lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side [that takes place before transmission time], and when data is repetitively reproduced [that is data that has been previously transmitted to the content-receiving apparatus], only the time information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information).*

wherein said transmitting side control unit is operable to omit transmission of the content that has been transmitted to the content-receiving apparatus before the transmission time of the reproduction control information (*column 3, lines 33-50; sending only the time information the second time around means omitting transmission of the content while transmitting the reproduction data*) and

wherein said transmitting side control unit is operable to transmit the reproduction control information regarding the content that has been previously transmitted to the content-receiving apparatus (*column 3, lines 33-50; the time information of the second data is related to the first data as the second data is a repetition of the first*).

2. A content-transmitting apparatus as recited in claim 1, wherein said transmitting side

control unit is operable to transmit content that has not been transmitted to the content-receiving apparatus before the transmission time of the reproduction control information, when the reproduction control information includes information regarding the content that has not been transmitted to the content-receiving apparatus (*column 2, lines 54-59; one feature of this reference is to provide data reproduction suited Karaoke communications; it is important to note that Karaoke data include both repetitive and non-repetitive data, and it is understood that this claim pertains to the later*).

3. A content-transmitting apparatus as recited in claim 1, wherein the reproduction control information includes TV channel information to reproduce the content (*column 26, lines 1-7*).

4. A content-transmitting apparatus as recited in claim 1, wherein the reproduction control information includes ID information of a content to be deleted. (*Majima column 7, lines 7-15 discloses a file header containing content format information that include identifiers representing data attributes. Specifically, the "id" identifier represents a data number. Furthermore, fig. 37, the receiving apparatus, item 50 contains a clear key, item 37, that is operable within "erase displayed content and the like" [see column 23, lines 4-6]; Inherently, the clear key can be used in connection with the data id to erase displayed data. In fact, all cellular telephone as the one described in fig. 37 contains a delete function for the purpose of deleting information reproduced within the device*).

5. A content-transmitting apparatus as recited in claim 1, wherein the reproduction control information includes order of reproduction of the content (*see fig. 8 reproduction data arrangement*).

6. A content-transmitting apparatus as recited in claim 1, wherein the reproduction control information includes a reproduction section of the content (*fig. 1, items 11, 11a, 12, 13, and 14*).

7. A content-transmitting apparatus as recited in claim 1, wherein the reproduction control information includes a reproduction date of the content (*fig. 36*).

8. A content-receiving apparatus operable to receive a content via a network (*fig 1, 19, and 39*), comprising:

a receiving side control unit operable to receive reproduction control information (*fig. 1, item 3*); and

a receiving side recording unit operable to record the content (*fig. 1, item 3*),  
wherein the reproduction control information includes reproduction control information regarding a content that has been received before transmission time of the reproduction control information (*column 3, lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side [that takes place before transmission time], and when data is repetitively reproduced [ that is data that has been previously transmitted to the content-receiving apparatus], only the time*

*information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information), and*

wherein said receiving side control unit is operable to reproduce at least one of the content and a processed content of the content, according to the reproduction control information received by said receiving side control unit (*column 3, lines 33-50; fig. 24a-b; fig. 7*).

9. A content-receiving apparatus as recited in claim 8, wherein, when the content has been recorded by said receiving side recording unit before the transmission time, said receiving side control unit is operable to reproduce at least one of the content recorded by said receiving side recording unit and a processed content of the content recorded by said receiving side recording unit, and wherein, when the content is attached to the reproduction control information received by said receiving side control unit, said receiving side control unit is operable to reproduce at least one of the content attached to the reproduction control information received by said receiving side control unit and a processed content of the attached content (*fig. 19, buffers 3a, and 7-10; and reproduction sections 11-14; column 5, lines 55-67, continue in column 6, lines 1-29*).

10. A content-receiving apparatus as recited in claim 8, wherein the content-receiving apparatus further comprises a receiving side input unit operable to receive changing operation for TV channels, and wherein said receiving control unit is operable to reproduce the content based on the changing operation for the TV channels (*column*

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26, lines 1-7).

11. A content-receiving apparatus as recited in claim 10, wherein the reproduction control information includes TV channel information to reproduce the content (*column 26, lines 1-7*).

12. A content-receiving apparatus as recited in claim 8, wherein, when said receiving side control unit receives the reproduction control information including ID information of a content to be deleted, said receiving side control unit is operable to delete the content indicated by the ID information of the content to be deleted from said receiving side recording unit . (*Majima column 7, lines 7-15 discloses a file header containing content format information that includes identifiers representing data attributes. Specifically, the "id" identifier represents a data number. Furthermore, fig. 37, the receiving apparatus, item 50 contains a clear key, item 37, that is operable within "erase displayed content and the like" [see column 23, lines 4-6]; Inherently, the clear key can be used in connection with the data id to erase displayed data. In fact, all cellular telephones as the one described in fig. 37 contains a delete function for the purpose of deleting information reproduced within the device*).

13. A content-receiving apparatus as recited in claim 8, wherein the reproduction control information includes order of reproduction of the content, and wherein said receiving side control unit is operable to reproduce the content according to the order of



reproduction of the content (*see fig. 8 reproduction data arrangement*).

14. A content-receiving apparatus as recited in claim 8, wherein the reproduction control information includes a reproduction section of the content, and wherein said receiving side control unit is operable to reproduce the content according to the reproduction section of the content (*fig. 1, items 11, 11a, 12, 13, and 14*).

15. A content-receiving apparatus as recited in claim 8, wherein the reproduction control information includes a reproduction date of the content, and wherein said receiving side control unit is operable to reproduce the content according to the reproduction date of the content (*fig. 36*).

16. A content transmitting/receiving system ( *see fig. 1, item 1a; fig. 11; 19, and 39*), comprising:

    a content-transmitting apparatus comprising a transmitting side recording unit ( *see fig. 1, item 1a; fig. 11; 19, and 39*);

    a content-receiving apparatus operable to connect to said content-transmitting apparatus via a network to receive a content from said content-transmitting apparatus (*fig. 1; column 5, lines 55-66*); and

    a display apparatus operable to connect to said content-receiving apparatus to display a content that is reproduced by said content-receiving apparatus ( *column 1, item 20*), wherein said content-receiving apparatus comprises:

a receiving side input unit operable to receive an input from a user (*fig. 37, item 50; column 22, lines 37-53*);

a receiving side recording unit operable to record information received from said content-transmitting apparatus (*fig. 1, item 3a; column 5, lines 55-66*); and

a receiving side control unit operable to control said receiving side input unit and said receiving side recording unit (*fig. 1, item 3; column 5, lines 55-66*),

wherein said content-transmitting apparatus is operable to transmit reproduction control information to said content-receiving apparatus (*fig. 1, 19, and 39*)

wherein the reproduction control information includes reproduction control information regarding a content that has been transmitted to the content-receiving apparatus before transmission time of the reproduction control information (*column 3, lines 33-50; sending only the time information the second time around means omitting transmission of the content while transmitting the reproduction data*),

wherein, when the content has been recorded by said receiving side recording unit before the transmission time of the reproduction control information, said receiving side control unit is operable to reproduce, according to the reproduction control information, at least one of the content recorded by said receiving side recording unit and a processed content of the content recorded by said receiving side recording unit (*fig. 19, buffers 3a, and 7-10; and reproduction sections 11-14; column 5, lines 55-67, continue in column 6, lines 1-29*), and

wherein, when the content is attached to the reproduction control information received by said receiving side control unit, said receiving side control unit is operable

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to reproduce, according to the reproduction control information, at least one of the content that is attached to the reproduction control information and is recorded by said receiving side recording unit and a processed content of the content that is attached to the reproduction control information and is recorded by said receiving side recording unit (*fig. 19, buffers 3a, and 7-10; and reproduction sections 11-14; column 5, lines 55-67, continue in column 6, lines 1-29*).

17. A content-transmitting method for transmitting a content to a content-receiving apparatus via a network ( *see fig. 1, item 1a; fig. 11, fig. 19, and fig. 39*), the content-transmitting method comprising:

transmitting reproduction control information to the content-receiving apparatus ( *column 5, lines 55-66, and continue in column 6, lines 1-14*);

wherein the reproduction control information includes reproduction control information regarding a content that has been transmitted to the content-receiving apparatus before transmission time of the reproduction control information (*column 3, lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side [that takes place before transmission time], and when data is repetitively reproduced [that is data that has been previously transmitted to the content-receiving apparatus], only the time information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information*);

omitting transmission of a content that has been previously transmitted to the content-receiving apparatus before the transmission time of the reproduction control information (*column 3, lines 33-50; sending only the time information the second time around means omitting transmission of the content while transmitting the reproduction data*); and

transmitting the reproduction control information regarding the content that has been previously transmitted (*column 3, lines 33-50; the time information of the second data is related to the first data as the second data is a repetition of the first*).

18. A content-receiving method for receiving a content via a network (*fig 1, 19, and 39*), comprising:

receiving the content and reproduction control information regarding the content (*fig. 1, item 3; column 5, lines 55-66*);

wherein the reproduction control information includes reproduction control information regarding a content that has been received before transmission time of the reproduction control information (*column 3, lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side [that takes place before transmission time], and when data is repetitively reproduced [that is data that has been previously transmitted to the content-receiving apparatus], only the time information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information*), and

wherein at least one of the content and a processed content of the content is reproduced according to the reproduction control information (*column 3, lines 33-50; fig. 24a-b; fig. 7*).

19. A content-receiving method as recited in claim 17, wherein the method further comprises recording the received content,

reproducing at least one of the content and a processed content of the content when the content has been recorded before the transmission time of the reproduction control information, and when the content is attached to the reproduction control information, reproducing at least one of the content attached to the reproduction control information and a processed content of the attached content (*column 3, lines 33-50*).

20. A recording medium having recorded therein a content-transmitting program for transmitting a content to a content-receiving apparatus via a network (*fig. 1 and 19, item 3a*), the content-transmitting program comprising:

a program portion operable to transmit reproduction control information to the content-receiving apparatus (*column 8, lines 1-40; column 11, lines 56-63; the transmitting side server is operable for content-controlled transmission via the Internet network*),

wherein the reproduction control information includes reproduction control information regarding a content that has been transmitted to the content-receiving apparatus before transmission time of the reproduction control information ((*column 3,*

*lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side [that takes place before transmission time], and when data is repetitively reproduced [that is data that has been previously transmitted to the content-receiving apparatus], only the time information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information), and*

a program portion operable to omit transmission of a content that has been previously transmitted to the content-receiving apparatus before the transmission time of the reproduction control information, and to transmit the reproduction control information regarding the content that has been previously transmitted (*column 3, lines 33-50; sending only the time information the second time around means omitting transmission of the content while transmitting the reproduction data*).

21. A recording medium having recorded therein a content-receiving program for receiving a content via a network (*fig. 1 and 19, item 3a; fig. 39*), the content-receiving program comprising:

a program portion operable to receive the content and reproduction control information regarding the content (*column 8, lines 1-40; column 11, lines 56-63; and*

wherein the reproduction control information includes reproduction control information regarding a content that has been received before transmission time of the reproduction control information (*column 3, lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side [that takes place*

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*before transmission time], and when data is repetitively reproduced [that is data that has been previously transmitted to the content-receiving apparatus], only the time information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information), and*

a program portion operable to reproduce at least one of the content and a processed content of the content according to the reproduction control information (column 8, lines 1-40; column 11, lines 56-63).

**Conclusion**

5. **THIS ACTION IS MADE NON-FINAL.** The Examiner strongly anticipates a Final Rejection Office Action on the next response if amendments are not properly made to the claims to perhaps place them in condition for allowance.

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

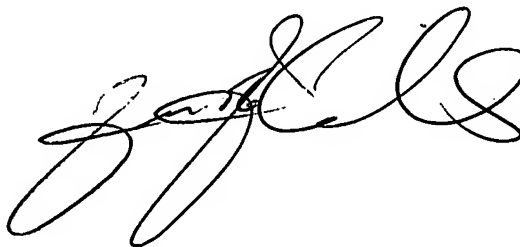
Jude Jean-Gilles

Patent Examiner

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JJG

July 20, 2007

A handwritten signature in black ink, appearing to be 'Jude Jean-Gilles', written in a cursive style.